

### REMARKS

Claims 1-23 are pending in the above-referenced patent application. Claim 6 has been amended, and claims 10-23 have been added. It is noted that new claims 10-23 have adequate support in the specification. As just an example, support may be found in the specification in paragraphs 16-18 and Figure 2.

In the Office Action, dated May 19<sup>th</sup>, 2005, the Examiner rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (U.S. Patent No. 5,144,117, hereinafter "Hasegawa"); rejected claims 5-6 under 35 U.S.C 103(a) as being unpatentable under Hasegawa in view of McMahan et al. (U.S. Patent No. 4,504,951, hereinafter "McMahan"); and objected to claims 7-9 for being dependent on a rejected base claim. These rejections and objections are respectfully traversed.

Assignee respectfully submits that Hasegawa does not disclose each and every element of the rejected claims, and, therefore, a *prima facie* case under 35 U.S.C. 102(b) has not been established. As just an example, Hasegawa does not show or describe a dual light source voltage-modulated reciprocal control circuit for a scanner, comprising a voltage-modulation circuit for generating a modulation voltage whose magnitude may be adjusted according to a square wave having pulse width modulation capacity, a first lamp driving circuit for receiving the modulated voltage and driving a first lamp, a second lamp driving circuit for receiving the modulated voltage and driving a second lamp, and a reciprocal control circuit for sending the modulated voltage to the first lamp driving circuit or the second lamp driving circuit according to the dictate of a reciprocal logic signal.

Hasegawa is directed toward an optical recorded information reading device comprising a plurality of LEDs, wherein the LEDs are controlled by comparing a terminal voltage of a resistor with a reference voltage, and adjusting the current flowing through the LEDs by maintaining a constant difference between the terminal voltage and the reference voltage. (col 5:31- col 5:38). There is no contemplation of utilizing a control circuit as recited in claim 1.

It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Assignee respectfully submits that because Hasegawa does not disclose each and every element of the rejected claims, a *prima facie* case under 35 U.S.C. 102(b) has

not been established, and claim 1 is in condition for allowance. Additionally, claims 2-4 are in a condition for allowance for at least the same reasons as claim 1, as amended.

Assignee respectfully submits that claims 5-6 are not rendered obvious by the cited art, Hasegawa in view of McMahan. The Examiner already concedes that Hasegawa is lacking at least one element of the rejected claims. According to the Examiner, "Hasegawa fails to teach that the reciprocal control circuit further includes an application specific integrated circuit, a common emitter and a Darlington circuit." Although Assignee does not necessarily agree with the Examiner's characterization of the rejected claims, it is respectfully submitted that Hasegawa, whether viewed alone or in combination with McMahan, does not contain all of the elements of the rejected claims. However, Assignee does not by this argument accept that the combination is proper; rather, while Assignee asserts that the combination is improper, Assignee further asserts that even if the combination were proper, and a successful combination of Hasegawa and McMahan were made, although Assignee has serious doubts concerning the ability to do so, the resultant combination or any of the other alleged combinations would still not provide one or more of the elements lacking from Hasegawa.

As just an example, neither Hasegawa nor McMahan, either alone or in combination show or describe a dual light source voltage-modulated reciprocal control circuit for a scanner, comprising a voltage-modulation circuit for generating a modulation voltage whose magnitude may be adjusted according to a square wave having pulse width modulation capacity, a first lamp driving circuit for receiving the modulated voltage and driving a first lamp, a second lamp driving circuit for receiving the modulated voltage and driving a second lamp, and a reciprocal control circuit for sending the modulated voltage to the first lamp driving circuit or the second lamp driving circuit according to the dictate of a reciprocal logic signal.

It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. However, because a prima facie case of obviousness has not been established, claims 5-6 are in a condition for allowance. It is, therefore, respectfully requested that the Examiner withdraw the rejection of these claims also. It is additionally noted that claims 10-23 are in a condition for allowance for at least the same reasons as presented with respect to claims 1-4 and 5-6. It is, therefore, respectfully requested that the Examiner allow these claims also.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: \_\_\_\_\_

9/6/05



Michael J. Willardson  
Patent Attorney  
Reg. No. 50,856

Berkeley Law and Technology Group  
1700 NW 167<sup>TH</sup> Place, Suite 240  
Beaverton, Oregon 97006  
(503) 439-6500